

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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BENJAMIN HEETER and  
FIREARMS POLICY COALITION, INC.

Plaintiff,

v.

STEVEN G. JAMES,  
LETITIA JAMES, and  
MICHAEL J. KEANE, all in their official capacities

Defendants.

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**NOTICE OF  
MOTION TO DISMISS**

Civil Action No.:  
1:24-cv-623-JLS

PLEASE TAKE NOTICE,

**OBJECT OF MOTION:**

Motion by Defendant, Michael J. Keane, for an Order and/or Judgment dismissing the Complaint as against him for failure to

**DATE, TIME AND PLACE OF HEARING:**

To be scheduled by the Honorable Court.

**SUPPORTING PAPERS:**

Memorandum of Law dated August 7, 2024.

**GROUND FOR RELIEF SOUGHT:**

As to primary relief sought: dismissal of action pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

**REPLY PAPERS:**

Defendants anticipate filing and serving reply papers in relation to the within motion.

**ORAL ARGUMENT:**

If the Court directs that oral argument of the within motion will be had, this movants' attorney will attend at such time and place as may be directed by the Court.

DATED: Buffalo, New York  
August 7, 2024

Yours, etc.

JEREMY C. TOTH, Erie County Attorney  
and Attorney for Michael J. Keane

By: s/Christopher J. Sasiadek  
Christopher J. Sasiadek, Esq.  
Assistant County Attorney, of Counsel  
95 Franklin Street, Room 1634  
Buffalo, New York, 14202  
(716) 858-2200

**CERTIFICATE OF SERVICE**

I hereby certify that on August 7, 2024, we electronically filed the foregoing along with a memorandum of law in support with the clerk of District Court using its CM/ECF system.

DATED: Buffalo, New York  
August 7, 2024

Yours, etc.  
JEREMY C. TOTH, Erie County Attorney  
and Attorney for Defendants

By: s/Christopher J. Sasiadek  
Christopher J. Sasiadek, Esq.  
Assistant County Attorney, of Counsel  
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